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AN ADDRESS

TO THE

FRIENDS OF LAW AND ORDER.

Fellow-Citizens of Ohio County:

In thus obtruding ourselves upon your notice we feel that an apology is due, and yet we have none to offer but those feelings of patriotism and love of country which should predominate in the heart of every Kentuckian. We, too, are Kentuckians, and true to the blood of our sires, we feel it our duty to take our stand where duty points. We feel assured that the great moral, religious, social and political question which now agitates the country, requires the labors of every good man and true; we therefore make this open appeal to the good sense and patriotism of our fellow-citizens, and humbly ask their attention to that question—a question of more vital importance than any that has rested upon the shoulders of this generation.

What is that question, and how did it arise? The latter part of the eighteenth, and the beginning of the nineteenth century, was a period of revolutions; revolutions not only in government, but in the opinions and actions of men: freedom of action begat freedom of thought, and these combined have resulted in a series of brilliant and important discoveries, that have far surpassed all former ages. This present generation has been but one triumphal march of the arts and sciences. Improvements not of the visionary, but of the practical and useful, have crowded upon us until man's labor is more than half performed by the yielding elements; all the necessities, conveniences, and elegances of life are furnished us at less than half their former cost; and yet the prices of manual labor have advanced. Such a state of improvement in the physical condition of the community, ought to have produced an equal improvement in their moral condition; for crime and misery, through all ages, have been considered the necessary concomitants of want and poverty, whilst competence removes temptation and excites to virtue.

Yet amid all the blessings that have been showered upon this happy Union, philanthropists have seen with astonishment that the moral condition of our community is *at a stand still*, if not on the decline. Yes, in this favored land, where every man should stand *erect, self-poised, with the conscious dignity of an American citizen beaming from every feature*, we find men degraded and debased; where all hearts should turn with thankfulness and adoration to the great giver of all good, we find religion on the stands till, and wickedness and crime on the increase; where competence could not fail to crown the labors of all if rightly applied, we yet find squalid want. What is it that produces this state of things? Moral results are as necessarily governed by causes as natural ones. We answer there is an Achan in the camp. We have in our midst a great moral, social, and political evil that is degrading the spirit, corrupting the morals, poisoning the heart, and squandering the wealth of the community. Intemperance is abroad and to its influence have all these evils been traced; and the proof is so positive, so self-evident, that it would seem almost labor lost to array facts before you; but in endeavoring to destroy the monster evil, we have deep rooted prejudice, heartless cupidity, and designing ambition to contend with, and must therefore contest every inch of ground. To prove that it squanders the wealth of the community and burthens us with taxes, it is only necessary to appeal to incontrovertible and statistical facts. Before arraying them, however, before you, it will be necessary to state some self-evident and incontrovertible truths, known to every man of intelligence and observation. They are these: First, that at least three-fourths of all the criminal prosecutions in the State, result from liquor; Second, that at least one half of the lunacy of the State is produced by ardent spirits.

Third, that fully one half of the time of our circuit courts is occupied by the trial of criminal prosecutions or of civil suits that have had their origin in ardent spirits; and lastly, that fully one half of the pauperism of this State, is also the result of ardent spirits.

With these preliminaries we will now proceed to give some extracts from the Auditor's Report for the year 1851.

Expenses of criminal prosecutions for preceding year,	\$24,013	
Jailor's fees for dieting ironing criminals, &c.,	8,024	
Rewards for apprehending criminals,	900	
Slaves executed,	4,900	
Total,	\$37,837	
Three-fourths of this sum would be		\$28,378
Appropriations to lunatic asylums,	41,275	
Salaries of judicial officers,	31,661	
Pay of jurors,	45,121	

Total,	\$118,157	
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One half of which would be		59,073
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Which, added to the above three fourths of criminal prosecutions, makes the sum of *eighty-seven thousand four hundred and fifty-one dollars*, which is drawn directly and annually from the treasury of the State, in order that drunkards may enjoy the glorious privilege of making beasts of themselves.

But these are but a few of the leading charges upon our State treasury resulting from intemperance. Another large item has not been inserted, it is the sum of \$19,587 for the support of idiots and lunatics not taken to the asylums. We will not attempt to discuss the question as to what amount of the idiocy of the country is traceable to ardent spirits but there is no better established fact than that intemperance in the parent is one of the most fruitful sources of idiocy in the offspring. We pass this disputed item, however, because without it we have facts almost too startling and astonishing for belief! We will glance at a few of them.

The county charges for pauperism have been estimated by the best judges at not less than \$500 to each county. The private charities bestowed upon the victims of intemperance and their families at one half that sum. The amount of ardent spirits annually consumed is also estimated at 500 barrels to each county—estimating each barrel to contain 40 gallons, and 100 counties in the State, and we have as the annual consumption of ardent spirits in Kentucky, the enormous amount of 2,000,000 of gallons. Say one half of this is sold to the consumer in larger quantities than the single dram at a cost of 30 cents per gallon, which, considering the high prices of some of the costlier qualities, is a very low estimate, and it produces the sum of \$300,000; estimating the other half, or 1,000,000 of gallons to be sold by the glass, or dram, at 5 cents per dram, and estimating each dram at one gill, and we find it costs the consumer \$1 60 per gallon, or the enormous sum of \$1 600,000.

Then the use of ardent spirits as set forth above, in a few plain, palpable items, may be enumerated as follows:

Amount annually drawn from the State treasury, as before stated,	\$87 451
One half expenses of paupers in 100 counties at \$500 per county,	25 000
Amount spent in private charities,	25 000
Cost of 1,000,000 gallons of liquor at 30 cents per gallon,	300 000
Cost of 1,000,000 gallons at 5 cents per dram, or gill,	1 600 000

Total,	\$2,037 451
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Making the total drain upon the State, annually, of two millions thirty-seven thousand four hundred and fifty-one dollars. Yet, enormous and astounding as this annual drain may seem, it is but a small item when compared to the time wasted, the losses sustained and the expenses incurred by the unfortunate consumer.

That it is degrading the spirit, corrupting the morals, and poisoning the heart, is

equally self-evident; but still let facts speak for themselves. It is estimated that in our State 3,000 persons die annually the victims of intemperance; most of these victims have families. Thousands of other families are reduced to poverty and degradation from the same cause. Human nature is always progressive; the human intellect is never at rest; it is continually advancing in virtue or vice. Each victim of intemperance not only adds to the great army of the vicious, but is too apt to school his offspring in vice and crime, thus shutting out themselves and their posterity from the pale of sobriety and order, giving a downward and degrading tendency to generation upon generation, peopling the purlieus of vice and crime for ages yet unborn. Of this tendency we have a striking illustration in the free or common schools of our State. Kentucky, with a generosity and munificence worthy of her name, resolved to extend the blessings of education to every child in the State. It is the sworn duty of the school trustees to invite the indigent children to attend school free of charge; but do we find the children of the drunken inebriate who has squandered his means at the doggery there? Seldom or never; he has not the means to clothe them like his neighbor's children; he feels that their rags are a reflection upon his own misconduct, and he will not let his children go to the school. But the human mind is progressive and will not remain at rest; it will be taking lessons of some kind, and that little boy with genius and intellect beaming from his features, if not educated in the common school, will, by the side of his parent, take lessons in the common doggery; and that mind, capable of becoming an ornament and a blessing to society, may be turned into a blighting, withering curse.

The superintendent of public instruction in his last annual report, gives the number of parents who have no property subject to taxation at 10,449; and the children of these parents at 25,169; and the parents having less than \$100 worth of taxable property at 11,213, and the children of these parents at 30,545, thus making in Kentucky a total of 21,662 parents having little or no property, and those parents having within the school ages, the host of 55,714 children. We intend to cast no reflections upon the honest but unfortunate poor of the State. Some, it is true, are unfortunately poor without any apparent fault of their own; but in this highly prosperous country, where it is almost impossible for the healthy, sober, industrious parent, to fail in his efforts to acquire a competency. We may safely ascribe the poverty of a large portion of these 21,662 parents to intoxication, or the improper use of ardent spirits. How many of this large army of children will be reared in ignorance, time and our future legislation can alone develop.

Intemperance not only corrupts the rising generation, but it also debases and corrupts the elective franchise. It not only has a direct tendency to keep every poor man from office, but it corrupts and degrades the moral sense of propriety and strict integrity; for treating is *direct bribery, nothing less, call it by whatever name you may; palliate, disguise it as you will, it is bribery direct—base, palpable*. For what purpose does the candidate treat? To procure your vote, *nothing else*. Was it from his exuberant benevolence and overflowing kindness, why does he not continue the practice after the election; but we see none of this. Nay, disguise it as you will, the veriest dotard knows that a candidate treats to procure votes, and *he who would procure votes by liquor, would not hesitate to procure them by money*; in fact the latter would seem the most honorable course. It would be fair trading for something like value received, whilst by treating, you first cheat your victim out of his reason and then out of his vote.

But it is useless to multiply examples of the degrading, damning influence of ardent spirits, it pours forth its lava streams into every ramification of society—every neighborhood has a monument of its ruins; every family some legend of its horrors. There is no crime in the calendar of wrong, that has not been committed under its influence. There is no duty in the calendar of virtue that has not withered at its approach. There is no suffering to which humanity is incident, that it has not entailed upon our race. There is no pleasure that thrills through the heart, that it has not turned into mourning; and yet astonishing to relate, when the wise and the good have arisen as one man, to banish the monster evil, they are every where met with the cry, "Oh

don't bring the matter into politics!! Don't, oh don't let it bear on the elections." Yes, liquor is loading us with taxes, destroying our wealth, degrading our children, governing our elections, and we are appealed to with winning smiles, and crocodile tears, and told that temperance is a most beautiful thing, yes a most lovely thing, but don't, oh don't, bring it before the people. Such effrontery as this is only equalled by the Irishman who knocked down his neighbor, entered his dwelling, insulted his wife, kicked out his children, seized on his money, and when threatened with an appeal to the arm of the law for redress, he turned to his neighbor with the most patronizing air and exclaimed, "Now Johnny, I know that law and justice are most beautiful things in their place—let father O'Daugherty talk about them in the pulpit on Sundays, that is the place for them, my honey—but don't, oh don't, go to bringing them into the court house, you will be after raising such a fuss and bother, if ye do it my dear."

The Sons of Temperance have been improperly and unjustly accused of forcing this question into politics; it is not their act, it is rather a combination of causes and events that have been progressing for a quarter of a century. The blight of intemperance had arrested the attention of the philanthropist of every grade and order; temperance associations of every degree had continually kept the question before the public; legislative aid has been repeatedly attempted, but the most direct agent in producing the present result, was the thorough and radical change in our organic law; under the new constitution a host of candidates are thrown before the people at every election. This not only threw wide the door to bribery and corruption in treating, in such a startling manner as to arouse public attention every where, but the continual recurrence of the question of license, or no license, which would be raised at each election of county officers, absolutely required a reference of the whole subject to the people of the State. But during this state of public sentiment and feeling—Maine, that little State of Maine had assumed a new position—had presented a new front to king alcohol and his legions; instead of wasting further time in trying to keep the monster in hands, she exercised her natural right of banishing the monster from her territory. Here in this age of discovery, was a discovery worthy of the age!! The means of getting rid of the evil seemed so simple, plain, and practical, that the friends of temperance every where exclaimed, "Banish the evil—give us a prohibitory law."

How could the Sons of Temperance act under these circumstances? The avowed aim and object of their organization is to suppress the evils of intemperance, and now when the good and virtuous of all classes are marshalling their forces for the contest—when the very principles that called them into existence is about to triumph, shall *they sneak from the contest* and say to those whom they have so long and so faithfully warned, "*Our heart is faint, our arm is weak, we cannot aid you?*" No, God forbid that any portion of the citizens of Kentucky should act so dastardly—true to their cause, true to their country, the Sons of Temperance enlist with alacrity in the great army, but they are a mere corporal's guard, compared to the great masses engaged in the cause; single handed and alone they cannot effect any thing, and the charge against them that they wish to sap the liberties of the State, and build up a great political party of their own, is alike equal for its falsehood and absurdity. Do they assume any exclusive rights, or attempt any invasion of the rights of the citizen, in the platform published at the mass meeting in Springfield, hear it:

"1st. We desire that a general law, founded upon the principles hereinafter set forth, shall be submitted to the vote of the people after its passage; and if the said law receive a majority of the votes which are cast, it shall be in force throughout the State.

2d. The law thus submitted should prohibit the manufacture and sale, except for medicinal, mechanical, and sacramental purposes, of all intoxicating drinks. It should provide in a fair, constitutional, and effectual manner, for the execution of the principles above stated, by adequate and speedy remedies, and by reasonable and sufficient penalties; and especially it should effectually suppress the retail, traffic and all public tippling; and prohibit minors and slaves from all dealing in said liquors under any circumstances whatever. The details of said law, and the particular provisions thereof, being left to the Legislature."

Here we have all that is asked or claimed by the Sons of Temperance, or the friends of a prohibitory law. A suppression of the manufacture and sale of ardent spirits for all except mechanical, medicinal, and sacramental purposes.

We will consider some of the many objections that are raised to this platform.

1st. It is objected that although intemperance is a very great evil, it is wrong that it should be mingled with, or brought into politics.

2d. That a prohibitory law would be unconstitutional.

3d. That it would be a violation of man's natural rights to prohibit him from making or dealing in ardent spirits.

Let us consider the first objection, that of bringing temperance into politics, and this objection might be answered by asking the question, how can any great question be settled without bringing it into politics? The traffic in liquor has been a political question for more than sixty years standing; session after session it has been the subject of legal enactments; from time to time have the Legislature passed laws to restrain and control its use; every election since the organization of our government has been more or less controlled by ardent spirits, and yet it is laughable to hear objectors say, you should not bring the question into politics. Just so long as political demagogues can use intoxicating drinks to procure votes, that their moral worth cannot command, the thing is all right, but when this great weapon is to be wrested from their hands the thing is all wrong; it should not be brought into politics. There is but a slight difference between us, gentlemen, at last—you say the thing should not be brought into politics *now*. We say the thing should *never have been* brought into politics. But you have had it in politics for the last sixty years, corrupting and influencing our elections; we now ask to get it out of politics, and let our elections be free and equal. But to dispose of this question at a word, an appeal to the people is the only mode known to our constitution and laws to settle any great question. We now pray an appeal to that great tribunal, and you oppose it; we only ask that a law banishing the evil may be submitted to the direct vote of the people—their vote upon such a law will settle the question; but you contend for the curse being still retained upon them, without allowing them a vote on the subject.

Let us now examine the constitutional question—and here it may be remarked, as a singular occurrence, that so long as a large portion of the citizens were prohibited from engaging in the traffic, and its whole profits monopolized by a few merchants and tavern keepers, we never hear the constitutionality of a prohibitory law doubted, but so soon as this prohibition is proposed to be extended to all classes, and this very favored class is to be placed on equal footing with their fellow-citizens; they are the very first to make the sage discovery that a prohibitory law would be unconstitutional!!

This class certainly deserve great credit for their superior legal accumen in discovering, what the most profound jurists of the United States have failed to do; yet to what confidence should they be entitled by their fellow-citizens for not sooner revealing the discovery, and admitting all to a share in the profits of a trade which they have so long monopolized to themselves. Perhaps these mighty expounders of constitutional law might think it degrading to have their opinions compared with the opinions of such men as Judges Taney, McLean, Catron, Daniel and Grier, who have decided the question differently; and we shall therefore not be at the trouble of quoting their opinions; the fact is, that the constitutional question is so plain and simple that any candid and unprejudiced mind can form its own conclusions on the subject; in truth the constitution is wholly silent on the point. We only need to advert one moment to the nature of our government, and then a school boy can understand the whole question of constitutionality as clearly as the Judge on the bench.

Ours is a confederated government; all the supreme powers of government originally existed in the States, but by compact they have yielded a portion of these powers to the Federal Government. The powers granted the Federal Government are defined and set forth in the constitution of the United States; hence to test the constitutionality of an act of Congress, we have to examine if it is within the powers granted by that constitution, and if not in the granted powers it is unconstitutional. But a very different rule applies to State Legislation. The supreme, sovereign

power of government still remaining in the States—except so far as relinquished by compact with the Federal Government, or restrained by the State constitution—the only test of the constitutionality of a law of a State is a direct prohibition. Is there any such prohibition in the constitution of our State? We have searched for it in vain, and we have called repeatedly upon those would-be exponents of constitutional law to show it, which none have done, for the simple reason that it was not in the *book*. Two conventions have assembled and two constitutions have been formed in Kentucky, whilst there existed on our statute books laws providing for the suppression, in the sale, and for the seizure and destruction of ardent spirits, yet no clause is inserted, no provision made in either constitution to protect the citizen from this monstrous outrage upon his natural rights! *No, the whole question is left for the superior legal acumen of these latter day saints in constitutional law!!*

Let us now consider the third objection, that of its being a violation of man's natural rights; and this question might be disposed of in the language of an able jurist in deciding a question on an old stale demand, in which he said that he who slumbered on his rights for twenty years should still slumber on. If the whole of the citizens of Kentucky, except a few merchants and tavern keepers, have slumbered over their rights to traffic in ardent spirits for more than sixty years, had they not better slumber on. Our Legislature have always exercised the right of controlling and limiting the traffic, prohibiting the great mass of the people from engaging in it, yet who, until recently, has ever complained? Who has been injured by this great infringement of the natural rights of the citizen?

By resorting however to first principles, this question of natural rights can be as easily settled as the constitutional question. If we consider man in a state of nature, without regard to his duties to his Creator or fellow man, he is certainly endowed with the most unlimited freedom of thought and action; but this right of unlimited freedom can only be enjoyed by a single individual, solitary and alone, and separate and apart, from any other living being, endowed with equal rights, for just so sure as this perfect freedom comes to be exercised in the presence of another individual equally free, a collision must necessarily follow. As well might you suppose two separate, independent monarchs sitting upon, and governing from, the same throne, as to imagine two individuals in the same vicinity enjoying unrestrained liberty: men are not he bids and to enjoy the pleasures and aids of society they gladly disrobe themselves of those natural rights which would conflict with the rights of others; what rights they thus surrender, and what retain, are generally specified by the laws of the country under which they live. Our constitution, which is our organic law, carefully defines all the natural rights reserved to individuals; there is no feature of the proposed law that will at all conflict with any of those reserved rights. But the right to make such laws as will secure to the people the greatest amount of peace, happiness, and security, is a right incident and appertaining to all governments; without this right, government would be a mere nullity. Law is defined to be a rule of action, commanding what is right and prohibiting what is wrong. Whatever is morally, civilly, or politically right, should be commanded by law; and whatever is morally, civilly, or politically wrong, should be prohibited by law. If intemperance is either morally, civilly, or politically an evil, it is wrong, and should be prohibited by law: it has been treated as an evil by all former legislation; the legislative right to so treat it has been claimed and exercised since the formation of our government; the proposed prohibitory law involves no new question of right; the whole question is one of expediency. But we are met with the question of vested rights, and the man is entrenched behind his stilt, and claims the protection of law merely because the law has not heretofore demolished him. According to this doctrine of vested rights, all an individual has to do is to procure a vested right in advancement of penal enactment, and he is then forever safe. Thus, if the assassin should be so fortunate as to invest a few dollars in a revolver and Bowie knife before any penal enactment against murder, he might forever plead his vested right against the law of murder.

A fancy sketch will best illustrate this question of vested rights. Imagine a State or Territory who have tried to exist without law, they have been trying that utopian

phantom moral suasion, until necessity compels them to resort to a code of laws.— Their first Legislature is in session, and the committee on the penal code have reported a bill, with the usual penal enactments against murder, larceny, burglary, &c. &c., and the bill is now under discussion. “Mr. Speaker,” exclaims the burglar, “I shall oppose the passage of that bill, it would destroy my vested rights; behold the money I have invested in these picks, jimmers, bars and false keys to carry on my calling.” “Mr. Speaker,” cries another, “if that bill passes it will ruin me, for I have invested all my money in ropes and halters, to carry on the business of horse-stealing.” “I am amazed,” cries out another, “that any set of men should have so little regard for the rights of their fellow men; my father died leaving me a handsome patrimony, I invested the whole of it in plates, dies, types, and fixtures to carry on counterfeiting, would the gentlemen attempt to reduce me to beggary?” *Reader, had you been a member of that Legislature, and a vested right's man, what would you have done, changed your opinion, or moved an adjournment sine die?*

But waving all other questions and granting to the distiller the right to make, the vender the right to scatter his poisoning draught into the bosom of the community, and the inebriate the right to wallow in intoxication, it is still a well settled maxim of law that where two rights come in conflict, the greater must prevail. How, then, stands the question? Arrayed against those rights are the rights of the peaceable, sober, tax-paying citizen, who is taxed like a Russian serf that these things may be. The rights of the wife driven forth in the howling storm. The rights of the aged parent mourning over the last scion of his race, pulling down disgrace on his once proud name. The rights of hords of half clad, half starved children skulking and hiding from a demon father. The rights of fond parents daily appealing to the laws for help to protect their children from the snares of the grog shop; and the rights of the whole community whose feelings are insulted, their property destroyed, and their lives endangered by this blighting curse. When rights like these come in conflict, which should prevail? Who would envy the reputation of that chancellor who would decide the question of right in favor of the distiller or vender?

Through the medium of this address it would be impossible to answer all the false, foolish, and frivolous objections that are raised to a prohibitory law; the friends of the law have openly, freely, and fearlessly, proclaimed their principles, and invited public discussion; have they been thus openly met? No, none have dared to meet the question in public debate; but privately have our principles been garbled and misrepresented; the fool's argument—the cry of *humbuggery, fanaticism*—has been croaked forth by every tap room orator, and designing demagogue; and craftily avoiding a discussion of our platform, they have seized upon the Maine Law, and given garbled and unfair representations of its details. Whether the Maine Law is perfect or imperfect, is not now the question before the people of Kentucky; the question is, whether the retail trade in ardent spirits is such an evil as should be prohibited by law; the details of that law we propose to leave to the assembled wisdom of the Legislature; whether that law will have ingrafted into it that odious right of search, so much harped upon in the Maine Law, will depend upon the members the people may elect. We would only remark, however, that this *odious right of search*, now for the first time dragged forth to public gaze, is a feature and principle that has stood prominent on our statute book, and been recognized as the common law of our land from time immemorial; not a citizen of Kentucky, since she has been a State, however exalted his station in society, but has at all times been liable to have his premises and person searched; and although we have strained our memory back to our earliest infancy, we have no recollection of ever hearing of an honest citizen of Kentucky complain of the law of search; however much burglars, counterfeiters, and thieves, may have dreaded and repined at this law, we venture the assertion that the law of search has never given one honest citizen one moment's trouble!

Fellow-citizens, the friends of Temperance have flung their banner to the breeze—on its broad folds are inscribed **LAW, ORDER, HEALTH, PEACE, PROSPERITY, HAPPINESS**; our principles awaken and call into action every generous sentiment and feeling of the heart—look on this, and then look on the dark banner of intem-

perance; see on its folds, in lured colors, *the midnight revel, the bleeding corpse, the drunken madman, the pale weeping wife—see, in a word, the tall pyramid of woe and ruin that it has entailed upon our race*—and then choose under which banner you will serve. Generations yet unborn, a hoppiest people, “regenerated, redeemed and disenthralled” from the shackles of intemperance, will look back with anxiety to the history of the present day, and the sons of now living sires will point to the poll books of 1853 and say, *behold!! our fathers belonged to the great army of Temperance!!* Choose, then, fellow-citizens, on which side you will transmit your names to posterity.

H. D. TAYLOR,
H. T. DOWNARD.